

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

TBK-Patent  
Bavariaring 4-6  
D-80336 München  
Germany

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16. April 2004

TBK - PATENT

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing  
(day/month/year)

14-04-2004

Applicant's or agent's file reference

WO 32586

**REPLY DUE**

within 60 days from  
the above date of mailing

International application No.

PCT/IB 2002/003030

International filing date (day/month/year)

05.08.2002

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

H04Q 7/38

Applicant

Nokia Corporation et al

1. ☐ The written opinion established by the International Searching Authority:

☐ is

☐ is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This first (first, etc.) opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is:

05.12.2004

Name and mailing address of the IPEA/SE

Patent- och registreringsverket

Box 5055

S-102 42 STOCKHOLM

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Form PCT/IPEA/408 (cover sheet) (January 2004)

13.6.04

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**WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.

PCT/IB 2002/003030

**Box No. I      Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed.")*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/IB 2002/003030

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Claims

Inventive step (IS)

Claims

Claims

1-3, 18, 19

Industrial applicability (IA)

Claims

Claims

2. Citations and explanations:

The claimed invention relates to a method of carrying an application level message encapsulated inside a signalling message of an access network. This is a way of speeding up the registration procedure in a cellular network.

Documents cited in the International Search Report:

D1: WO 02056618 A

D2: WO 0044191 A

D3: US 2001053145 A1

D1 reveal methods of carrying an application level message encapsulated inside a signalling message of an access network. An application level message is received from a sender application to an access network signalling process, (p.25 lines 22-26). The message is adapted and encapsulated in an access network signalling message, (p.25 line 27-p.26 line 2). The encapsulated application level message is delivered to a receiver application process by transmission of the signalling message, (p.27 claim 48).

The document does not mention that the encapsulated application level message is transparent to the transmitting means of the access network. The basic assumption for a person skilled in the art however, must be that an encapsulated message is transparent to the network transmitting the message. Thus the method defined in claim 1 and the system defined in claim 18 lack an inventive step.

In which node or component of a network, a sender application process is performed involves nothing of inventive significance. Thus claims 2, 3 and 19 also lack an inventive step.

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WRITTEN OPINION OF THE  
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International application No.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.  
Continuation of: BOX V.

D2 also discloses how application level message contents are encapsulated in signalling messages (p.8 line 23-p.9 line 3; p.9 lines 9-12), in order to speed up connection setup times during handover. The subject-matter of claims 1 and 18 of the claimed invention lacks an inventive step with a starting point from D2 too.

D3 deals with interworking different transport technologies in communication system including An application layer and a transport layer.